

REMARKS

Applicant respectfully requests reconsideration and allowance of the application. Claims 1-23 are pending in this application.

5 Election/Restriction Requirement

In the present Action, the Office restricted the claims under 35 U.S.C. §121. (Present Action, paragraph 4). In doing so, the Office wrote that the claims contain two patentably distinct inventions:

- | | | |
|----|-----|--|
| 10 | I. | Claims 1-16, drawn to a system for displaying an image at its selected size, classified in class 345, subclass 593. |
| 15 | II. | Claims 17-23 drawn to a business method for supplying printed versions of selected images to a customer, classified in class 705, subclass 50. |

The Office stated that Mr. John Ryan, on March 14th, 2003, provisionally elected claims 1-16 with traverse. (Present Action, paragraph 7).

20 Election With Traverse

Applicant hereby affirms the prior election, with traverse, to prosecute Group I, claims 1-16, in the event that the restriction/election requirements are maintained. The election is made with traverse because the restriction and election requirements are improper and should be withdrawn.

25 The Office can examine the claims without serious burden. MPEP §803
requires:

30 If the search and examination of an entire application
can be made without serious burden, the examiner *must*
examine it on the merits, *even though it includes claims*
to distinct or independent inventions. (Emphasis added).

Applicant contends that both groups can be conveniently searched and examined together without burden to the Office. For this reason, the restriction and election requirements should be withdrawn.

5 **Drawing Objections**

The Office objected to the drawings under 37 CFR §1.84(p)(4), writing that reference characters “270” and “280” have both been used to designate “frame and matting”; reference characters “260” and “265” have both been used to designate “mounting background”; and reference characters “240” and
10 “250” have both been used to designate “selected image”. (Present Action, paragraph 8).

The Office also objected to the drawings under 37 CFR §1.83(a), writing that the drawings fail to show that “The paper attribute screen shot 130 may be additionally configured to verify if the inputted dimension conforms to the
15 correct ratio of the selected image. If not verified, the paper attribute screen shot 130 may be further configured to request the user input another dimension for the output image, until a valid ratio is selected.” (Present Action, paragraph 9). The Office also wrote that “[a]ny structural detail that is essential for a proper understanding of the disclosed invention should be shown in the
20 drawings. MPEP §608.02(d).” (*Id.*).

Argument in Response to Drawing Objections

In response to the Office’s objection to the drawings for improper use of reference characters, Applicant amends the specification page 8, line 15
25 through page 10, line 8, as shown above. Applicant respectfully asserts that this amendment to the specification obviates the grounds for the Office’s objection to the drawings.

In response to the Office's objection to the drawings under 37 CFR §1.83(a) for failing to show a "structural detail that is essential for a proper understanding", Applicant provides new Figures 7A and 7B in the Drawing Amendment filed concurrently herewith, and amends the specification at page 3, lines 15-21 and at page 7, lines 11-14. Applicant respectfully asserts that this amendment obviates the grounds for the Office's objection to the drawings.

The Claim Rejections

10 Claims 1-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Salgado, U.S. Pat. No. 5,831,747 (Salgado). (Present Action, Paragraph 10).

Before undertaking a discussion of the substance of the Office's rejections, the following discussion of Salgado is provided in an attempt to help the Office appreciate various distinctions between the claimed embodiments and Salgado.

The Salgado Reference

Generally, Salgado's disclosure is directed to framing an image portion in which a size attribute of the applicable frame is inputted with a user interface and dimensions of the image portion are stored in memory. (Salgado, at Abstract). Salgado next discloses using a processor to determine, by reference to this inputted size attribute and stored dimensions, whether a preselected relationship exists between the image portion and the applicable frame. (*Id.*). When the preselected relationship does not exist, Salgado discloses scaling the image portion with an image processing subsystem. (*Id.*).

The gist of Salgado's disclosure is perhaps best appreciated through column 2, lines 29 to 38. Here, Salgado discloses a system in accordance with Salgado's invention:

5 The system includes: a) a user interface for inputting a size attribute representative of the border to be generated, the size attribute defining a magnitude of the spacing between the inner border edge and the outer border edge; b) a processor for determining, by reference to
10 the size attribute and the dimensions of the second set of dimensions, whether a preselected relationship exists between the second image portion and the border; and c) an image processing subsystem for scaling the second image portion, by a selected amount, when the preselected relationship does not exist.

15 Here Salgado discloses a usage for the user interface, which is "for inputting a size attribute". Salgado later discloses the user interface in greater detail, writing that "the user interface 14 enables an operator to control and monitor various operator adjustable functions and maintenance activities." (Salgado, column 3, lines 31-33). Salgado also discloses that this user interface
20 14 "may be a touch screen or any other suitable control panel, providing an operator interface with the system ... [and] may also display electronic documents on a display screen (not shown in FIG. 1)." (Salgado, column 3, lines 33-38).

25 **The Claims**

 The subject matter recited in each of the claims discussed below is patentably distinct from Salgado, as will become apparent.

Claim 1 recites a system for displaying an image at its selected size,
30 wherein said selected image is configured for printing by a large format printer, said system comprising:

- a terminal for displaying a plurality of images, said terminal including an image program for enabling the display of at least one of said images on said terminal, said image program being
5 configured to enable the selection of a plurality of attributes of said image, wherein said selection of said plurality of attributes includes at least one option for selecting the dimensions for said image; and
- a display device for displaying said selected image according to
10 said selected dimensions, such that said image is displayed at its selected dimensions.

In making out various claim rejections in the present Office Action, the Office argues that Salgado discloses “a display device for displaying said selected image ... at its selected dimensions.” The Office contends that this
15 element is disclosed in column 6, lines 24-67 and in Fig. 2. (Present Action, paragraph 11). Applicant has studied Salgado in great detail and respectfully disagrees with the Office.

Consider the text appearing in column 6, lines 60-63, the entirety of which is provided below for the Office’s convenience:

20 Fourth, a representation is displayed on a display screen of the UI 14 (Fig. 1), for permitting the user to confirm that the frame/image composite is acceptable.

Also consider Fig. 2, cited by the Office, which simply shows a schematic diagram from handling inputs, calculating a frame and image data, and outputting a composite frame/image.

Figure 2 and the above text cited by the Office do not disclose or
5 suggest a “a display device for displaying said selected image ... at its selected dimensions.”

Further, Salgado continues to define and describe this user interface 14. Salgado discloses the user interface in greater detail, writing that “the user interface 14 enables an operator to control and monitor various operator
10 adjustable functions and maintenance activities.” (Salgado, column 3, lines 31-33). This text of Salgado simply does not disclose “a display device for displaying said selected image ... at its selected dimensions.”

Salgado also discloses that this user interface 14 “may be a touch screen or any other suitable control panel, providing an operator interface with the
15 system ... [and] may also display electronic documents on a display screen.” (Salgado, column 3, lines 33-38). Salgado’s disclosure, shown in Fig. 1, teaches that the user interface 14 is small and control-panel like. Further, while Salgado describes, at column 6, lines 60-63, the user interface 14 as displaying a frame/image composite to aid a user in confirming that the frame/image
20 composite is acceptable, this can be performed at the small size taught in Fig. 1. Salgado simply does not disclose or suggest displaying an image at any appreciable size. Thus, in this text and figure, Salgado discloses a user interface that is too small and not usable as a “display device for displaying said selected image ... at its selected dimensions.”

25 Salgado simply neither discloses nor suggest the claimed display device. Accordingly, for at least this reason, this claim is allowable.

Claims 2-10 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references of record, either singly or in
5 combination with one another.

Claim 11 recites a method for displaying an image at its selected size and printing said image, said method comprising the steps of:

- displaying at least one selectable image on a terminal;
- 10 • displaying a plurality of attribute options for said at least one selectable image on said terminal, wherein one of said attribute options includes dimensions for said selected image;
- displaying said selected image according to its selected dimensions on a viewing surface; and
- 15 • printing said selected image on a print medium having at least an A3 size on a large format printer.

As set forth above, Salgado does not disclose or suggest “displaying said selected image according to its selected dimensions.”

For at least this reason, Applicant respectfully asserts that this claim is
20 allowable.

Claims 12-16 depend from claim 11 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 11 are neither disclosed nor suggested in the references of record, either singly or in
25 combination with one another.

Conclusion

Applicant respectfully submits that all of the claims are in condition for allowance. Accordingly, Applicant respectfully requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is anything other
5 than a Notice of Allowability, Applicant respectfully requests a phone call to discuss scheduling an interview.

Respectfully Submitted,

10

Date: 25 July 03

By: Michael K. Colby
Michael K. Colby
Reg. No. 45,816
(509) 324-9256 ext. 240